

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROBERT W. JOHNSON,

Plaintiff,

-against-

DANIELLE E. PHILLIPS, ESQ. PRINCIPAL  
APPELLATE COURT ATTORNEY,

Defendant.

1:24-CV-9311 (LTS)

ORDER OF DISMISSAL  
UNDER 28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

In a July 10, 2020 order in *Johnson v. O'Hagan Wolfe*, 1:19-CV-7337 (GHW) (S.D.N.Y.), the court barred Plaintiff from filing any new civil action in this court *in forma pauperis* (“IFP”) without first obtaining from the court leave to file. (ECF 1:19-CV-7337, 8.)<sup>1</sup> Plaintiff files this new *pro se* civil action in this court, seeks IFP status, and has not sought leave from the court to file. The Court therefore dismisses this action without prejudice for Plaintiff’s failure to comply with the court’s July 10, 2020 order in *Johnson*, 1:19-CV-7337 (GHW) (S.D.N.Y.).

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

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<sup>1</sup> Plaintiff’s appeal of that order was dismissed as frivolous. *Johnson v. O'Hagan Wolfe*, No. 21-299 (2d Cir. July 15, 2021).

The Court directs the Clerk of Court to enter a judgment in this action.

SO ORDERED.

Dated: December 10, 2024  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge